

FILED

JUL 11 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMAMark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Case No. 23-CR-196-~~GKF~~^{JFH}

Plaintiff,

v.

CESAR DAVID LOPEZ,
JUAN ANTONIO DURAN,
JOSE NICOLAS FLORES,

Defendants.

SUPERSEDING INDICTMENT

[COUNT ONE: 18 U.S.C.

§§ 933(a)(1), 933(a)(3), and 933(b) –
Firearms Trafficking;COUNT TWO: 18 U.S.C. § 554 –
Smuggling Merchandise from the
United States;

COUNT THREE: 18 U.S.C.

§ 924(k)(2)(B) – Smuggling Firearms
from the United States;

COUNTS FOUR and SIX: 18

U.S.C. §§ 932(b) and 932(c)(1) –
Straw Purchasing a Firearm;

COUNTS FIVE and SEVEN: 18

U.S.C. §§ 922(a)(6) and 924(a)(2) –
False Statement in the Attempted
Acquisition of a Firearm;

Forfeiture Allegation: 18 U.S.C.

§§ 924(d)(1) and 981(a)(1)(C), and
28 U.S.C. § 2461(c) – Firearms
Forfeiture]

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. §§ 933(a)(1), 933(a)(3), and 933(b)]

From on or about October 22, 2022, through on or about May 11, 2023, in the Northern District of Oklahoma and elsewhere, the defendants, **CESAR DAVID LOPEZ, JUAN ANTONIO DURAN, and JOSE NICOLAS FLORES**, together with others known and unknown to the Grand Jury, knowingly shipped, transported, transferred, caused to be transported, and otherwise disposed of one or more of the

following firearms to another person in and affecting interstate and foreign commerce, and conspired and attempted to do so, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony:

1. A Fabrique Nationale, Model FN SCAR, .308 caliber rifle, serial number H1C18082;
2. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014636;
3. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014932;
4. A Barrett, Model 82A1, .50 BMG caliber rifle, serial number AA014572;
5. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015021;
6. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015750;
7. A Barrett, Model M82A1, .50 BMG caliber, serial number AA015752;
8. A Barrett, Model M107A1CQ, .50 BMG caliber rifle, serial number AE001495;
and
9. A Barrett, Model M107A1, .50 BMG caliber rifle, serial number AE001834.

All in violation of Title 18, United States Code, Sections 933(a)(1), 933(a)(3), and 933(b).

COUNT TWO
[18 U.S.C. § 554]

From on or about October 22, 2022, through on or about May 11, 2023, in the Northern District of Oklahoma and elsewhere, the defendants, **CESAR DAVID LOPEZ, JUAN ANTONIO DURAN, and JOSE NICOLAS FLORES**, together with others known and unknown to the Grand Jury, and contrary to any law and regulation of the United States, knowingly exported and sent from the United States to Mexico one or more of the following merchandise, articles, and objects, and knowingly received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of one or more of the following merchandise, articles, and objects, and attempted to do so:

1. A Fabrique Nationale, Model FN SCAR, .308 caliber rifle, serial number H1C18082;
2. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014636;
3. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014932;
4. A Barrett, Model 82A1, .50 BMG caliber rifle, serial number AA014572;
5. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015021;
6. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015750;
7. A Barrett, Model M82A1, .50 BMG caliber, serial number AA015752;
8. Barrett, Model M107A1CQ, .50 BMG caliber rifle, serial number AE001495; and

9. A Barrett, Model M107A1, .50 BMG caliber rifle, serial number AE001834.

All in violation of Title 18, United States Code, Section 554.

COUNT THREE
[18 U.S.C. § 924(k)(2)(B)]

From on or about October 22, 2022, through on or about May 11, 2023, in the Northern District of Oklahoma and elsewhere, the defendants, **CESAR DAVID LOPEZ, JUAN ANTONIO DURAN, and JOSE NICOLAS FLORES**, together with others known and unknown to the Grand Jury, knowingly smuggled out of the United States one or more of the following firearms with intent to engage in and promote conduct that constitutes a felony and would constitute a felony if committed in the United States, and conspired and attempted to do so:

1. A Fabrique Nationale, Model FN SCAR, .308 caliber rifle, serial number H1C18082;
2. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014636;
3. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014932;
4. A Barrett, Model 82A1, .50 BMG caliber rifle, serial number AA014572;
5. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015021;
6. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015750;
7. A Barrett, Model M82A1, .50 BMG caliber, serial number AA015752;
8. Barrett, Model M107A1CQ, .50 BMG caliber rifle, serial number AE001495; and
9. A Barrett, Model M107A1, .50 BMG caliber rifle, serial number AE001834.

All in violation of Title 18, United States Code, Section 924(k)(2)(B).

COUNT FOUR
[18 U.S.C. §§ 932(b) and 932(c)(1)]

On or about October 22, 2022, in the Northern District of Oklahoma, the defendants, **CESAR DAVID LOPEZ** and **JUAN ANTONIO DURAN**, together with others known and unknown to the Grand Jury, knowingly purchased and conspired to purchase a firearm, a Fabrique Nationale SCAR, .308 caliber rifle, serial number H1C18082, in and otherwise affecting interstate and foreign commerce, for, on behalf of, and at the request and demand of any other person, knowing and having reasonable cause to believe that such other person intended to use, carry, possess, sell, and otherwise dispose of the firearm in furtherance of a felony.

All in violation of Title 18, United States Code, Sections 932(b) and 932(c)(1).

COUNT FIVE**[18 U.S.C. §§ 922(a)(6) and 924(a)(2)]**

On or about October 22, 2022, in the Northern District of Oklahoma, the defendant, **CESAR DAVID LOPEZ**, together with others known and unknown to the Grand Jury, and in connection with the acquisition of a firearm, a Fabrique Nationale SCAR, .308 caliber rifle, serial number H1C18082, from Sports World Hunting Headquarters, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Sports World Hunting Headquarters, which statement was intended and likely to deceive Sports World Hunting Headquarters as to a fact material to the lawfulness of such sale of the firearm described above, in that **LOPEZ** certified on an ATF Form 4473 that he was the actual buyer of that firearm, when in truth and fact, he was not the actual buyer.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT SIX
[18 U.S.C. §§ 932(b) and 932(c)]

On or about May 10, 2023, in the Northern District of Oklahoma, the defendants, **JUAN ANTONIO DURAN** and **JOSE NICOLAS FLORES**, together with others known and unknown to the Grand Jury, knowingly conspired to purchase a firearm, a Barrett, Model M107A1, .50 caliber rifle, serial number AE001834, in and otherwise affecting interstate and foreign commerce, for, on behalf of, and at the request and demand of any other person, knowing and having reasonable cause to believe that such other person intended to use, carry, possess, sell, and otherwise dispose of the firearms in furtherance of a felony.

All in violation of Title 18, United States Code, Sections 932(b) and 932(c).

COUNT SEVEN
[18 U.S.C. §§ 922(a)(6) and 924(a)(2)]

On or about May 10, 2023, in the Northern District of Oklahoma, the defendant, **JOSE NICOLAS FLORES**, together with others known and unknown to the Grand Jury, and in connection with the attempted acquisition of a firearm, a Barrett, Model M107A1, .50 caliber rifle, serial number AE001834, from High End Armament Technology, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to High End Armament Technology, which statement was intended and likely to deceive High End Armament Technology as to a fact material to the lawfulness of such sale of the firearm described above, in that **FLORES** certified on an ATF Form 4473 that he was the actual buyer of that firearm, when in truth and in fact, he was not the actual buyer.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

FORFEITURE ALLEGATION

[18 U.S.C. § 924(d)(1), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c)]

The allegations contained in this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses alleged in this Superseding Indictment, as a part of their sentences, the defendants, **CESAR DAVID LOPEZ, JUAN ANTONIO DURAN**, and **JOSE NICOLAS FLORES**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to a violation, and any firearm and ammunition involved in or used in the knowing commission of such offenses. The property to be forfeited includes, but is not limited to:

CURRENCY

1. Approximately \$670 in United States currency seized from **JUAN ANTONIO DURAN** on or about May 30, 2023;

FIREARMS AND AMMUNITION

2. A Fabrique Nationale, Model FN SCAR, .308 caliber rifle, serial number H1C18082;
3. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014636;
4. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA014932;
5. A Barrett, Model 82A1, .50 BMG caliber rifle, serial number AA014572;
6. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015021;

7. A Barrett, Model M82A1, .50 BMG caliber rifle, serial number AA015750;
8. A Barrett, Model M82A1, .50 BMG caliber, serial number AA015752; and
9. Barrett, Model M107A1CQ, .50 BMG caliber rifle, serial number AE001495.

All pursuant to Title 18, United States Code, Section 924(d)(1), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

CLINTON J. JOHNSON
United States Attorney

A TRUE BILL


KENNETH ELMORE
Assistant United States Attorneys

/s/ Grand Jury Foreperson
Grand Jury Foreperson